

The American Observer

A free, virtuous and enlightened people must know well the great principles and causes on which their happiness depends. — James Monroe

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U. S. Supreme Court Again Comes to Fore

This Year's Session Holds Unusual Attention Because of Dramatic Developments

OPPOSING VIEWS STUDIED

Fundamental Issue Raised Over Various Interpretations of American Constitution

Few sessions of the Supreme Court of the United States have held the widespread attention and interest that the one which opened last week holds. There was an element of drama in the stately chamber as the nine blacked-cloaked justices filed in to take their places behind the bench. Only a few days earlier, the junior member of the Court, Mr. Justice Black, had shattered all traditions by addressing a worldwide audience explaining his connection with the Ku Klux Klan, and one of the bitterest controversies in the century and a half of the Supreme Court's existence still held the nation in its grip.

Another element of drama has been provided to this year's session by the deep and bitter dispute that has been raised by the President's proposed plan to reform the judicial branch of the government; a proposal which has threatened to split the Democratic party wide open and which has stirred people's emotions the country over. While that plan was rejected by the Senate, it is by no means certain that the issue has been permanently settled, for the President may still seek to push through his court-reform program.

A third reason for the Supreme Court's central position in the governmental stage rests in the fact that in its hands still lies the fate of much of the legislation enacted during the last few years and much of the legislation to be passed during the coming session of Congress. Never before in American history has the nation as a whole been more conscious of the interrelationship of the three branches of the government; and all this because of the various aspects of what has come to be known as the Supreme Court issue.

Rise of Supreme Court

Since the signing of the American Constitution a hundred and fifty years ago, the Supreme Court has come to occupy an ever-increasingly important role in our governmental system. Formerly housed in the most undesirable quarters in the nation's capital and its members deprived of the austere dignity which now surrounds them, it has risen to a pivotal position. For nearly a hundred years it handed down no more than half a dozen decisions which really affected the lives of the American people very deeply. Now, its decisions are awaited as eagerly and affect as vitally the nation as any acts of the President or Congress.

The Supreme Court holds one session a year. The nine justices assemble the first Monday of every October and generally remain in session until the last of March. Usually the justices hear the arguments of lawyers on both sides of the cases it is trying, then adjourn for a period to examine the cases and make their decisions. Generally the Chief Justice calls upon his associates on Thursday for their votes. During the present session, Justice Black will vote first, then Justice Cardozo, and

(Continued on page 8)



THE UNITED STATES SUPREME COURT BUILDING

BUCKINGHAM

When We Converse

Much is said about "the lost art of conversation," and one frequently hears the complaint that American conversation is on a lower plane than European. All of which may or may not be true. Probably there never has been much art to conversation either in Europe or America except in the small circles of the especially gifted and highly trained. However that may be, there is unquestionably much room for improvement in the discussion ordinarily heard when people come together. Suppose you listen critically (without seeming to do so) to the next dozen conversations which are carried on in your presence. Then analyze the content. Unless your experience is quite unusual, you will find that the conversation relates very largely to personal matters. People will be talking about other people. The talk will be on personalities; what acquaintances have said or done or worn. There will be much talking about local happenings; about the little daily round of tasks or occurrences, about the day's work the different members of the group are doing, and so on. There may or may not be injected into the conversation a bit of spiteful gossip, a harsh and intolerant criticism, an unkind word here or there. If so, so much the worse. But with or without the small and petty gossip the discussion is likely to be on a trivial plane.

Now conversation is not to be ruled out, by any means. We are naturally and rightfully interested in the people around us and in the little local happenings. One who had no such interests would be dehumanized. It is often restful to be trivial. But who should want to be trivial all the time? That is really the trouble; not that we engage in talking of personalities and trivialities, but that so many of us are too completely occupied with them. There is no more effective means of sharpening the wits than through the interchange of ideas which occurs when we speak face to face with others. One who fails to take advantage of opportunities to converse on a high plane is turning his back upon one of the surest roads to intellectual achievement.

The happiest of individuals and the most advanced are those who look outward rather than inward; who look outward and upward, who are interested in things larger than themselves and their communities. Such larger things should have a part in one's conversations. When you read an important book, a thought-provoking article or editorial or an interesting story, talk about it. Learn to impart and to receive information and to exchange opinion. If you are a reader of this paper, do not neglect the section "Talking Things Over," in which imaginary students meet frequently to discuss things they have been reading or thinking. Form clubs of your own where you and your friends may meet and discuss matters of consequence. Engage now and then in informal conversation of a stimulating character. By following such a course you will become a more interesting individual and a more useful citizen.

New Deal in France Faces Difficulties

Financial Crisis and Decline of Franc Threaten Program of Popular Front

CONSERVATIVE SWING SEEN

But in More than Year of Existence Has Launched Unparalleled Program of Reform

For more than a year, France has been going through a social and economic experiment which may be termed little short of revolutionary. The political forms have not been altered; nor has the government taken over the basic industries. Neither fascism nor communism has been established. France remains one of the three great democracies today, and with the United States and Great Britain bears the torch of individual liberty. But since the early summer of 1936, large changes have been wrought in that country, changes which may have an important bearing upon the future of France and Europe.

A little more than a year ago, a government was established in France which promised to effect widespread social and economic reform. It is the Popular Front government, not composed of a single political party, but consisting rather of a number of parties. The Popular Front is a coalition of political groups, varying in their philosophy from the Communists at one extreme to the moderately conservative at the other. Loosely described, the Popular Front represents a union of liberal political groups. The program which this government has launched since it came into power is unparalleled in the entire history of France.

The Background

For some time before the spring elections of 1936, France had been in a state of constant political flux and turmoil. Disturbances were frequent in Paris and elsewhere. The political parties were becoming more and more extreme in their views. Extrapolitical groups were organized, leagues they might be called, which were holding rallies, staging demonstrations, and arming themselves. Many of these were fascist in nature, openly admitting that they wanted to place a dictator in power. It was not infrequently predicted that the day was not far off when France would either become fascist or would be plunged into bitter civil war.

It was this fear of fascism which gave birth to the Popular Front. The political parties which represented the workers and the peasants, too familiar with recent history in Germany and Italy for comfort, banded themselves together, forgot many of their individual differences of political philosophy, and bent every effort to stage a holy war against fascism. Popular Front candidates were victorious in the elections and in June were able to form a government under the premiership of Leon Blum, head of the Socialist party, which had the largest membership in the Chamber of Deputies, lower house of the French parliament. Blum remained at the helm for more than a year, to be replaced this summer by Camille Chautemps, who is still head of the government.

Few governments have taken office at a more critical time than the Blum cabinet. Aside from the acute political tension, there were grave economic problems. France, despite frantic efforts of previous govern-

ments, had been unable to shake the depression from her shoulders, and industrial activity was at a low ebb. The financial structure was tottering and there was danger that the country would be thrown into the abyss of inflation. What was more immediately acute was the wave of strikes which swept the country shortly before the Blum government took over the reins. And Blum knew he had to tread gingerly, for he was not the representative of a single body of political thought but rather of a group with conflicting views, some extremely radical, others moderate.

French Labor

The first field of activity of the Popular Front government was labor. Not only did it take the initiative in settling the sit-down strikes which so disturbed stability, but it undertook to add to the statute books a number of laws designed to ameliorate the conditions of the French worker. First, a law was put through granting to workers in industry, commerce, and certain of the professions 15 days' annual vacation with pay, after a year's steady employment. Then, it enacted the 40-hour week which has become so generally established now as to cover an estimated 94 per cent of all workers. Collective bargaining between workers and employers was guaranteed by law, and by means of agreements effected largely through the efforts of the government, wage increases were carried out in most industries. To assist the workers to use their newly acquired leisure more profitably, a government agency concerned with the promotion of sports and the better use of leisure was established. Price reductions on railroads were offered and hostels established. In order to reduce unemployment, billions of francs were allotted for a large program of public works.

These have been the main activities of the Popular Front government in the field of labor. It has been no less active in dealing with other problems. Being largely a nation of small farmers, France naturally had a serious agricultural problem, and drastic efforts were soon made to cope with it. One of the major enactments of the Blum government was the establishment of the National Wheat Office, empowered to curb speculation, reduce the profits of the middleman, and, more important still, to insure farmers a good price for their product. Farmers seem to have reaped considerable benefits from its operation.

Banking

Perhaps the most spectacular reform of the Popular Front deals with banking. In the minds of millions of Frenchmen, particularly workers, the Bank of France had been synonymous with iniquity. The so-called "200 families" had borne the brunt of a constant barrage of criticism. These families are the largest stockholders of the Bank of France, those who dictated its policies. It was charged that they constituted an oligarchy which could make or break governments and which actually ruled France. They were said to be opposed to social reform, secretly to desire the overthrow of democracy and to establish fascism in France. By withholding or granting loans to the government in times of financial stress, it could force the political leaders to adopt whatever economic policies it desired; and frequently these policies were in direct opposition to the interests of the great masses of Frenchmen.

However valid all these charges may be, the Popular Front government was determined to cripple the "200 families" by drastically reorganizing the Bank of France and making its control more democratic. A law was passed setting up a General Council to control the Bank's policies. Only three of more than 20 members were to be selected by the stockholders and then each stockholder, not only the 200 largest, should have a single vote. Consumers, agriculture, labor, industry, commerce, and artisans were all represented on the reorganized Bank's governing body. The government itself was given a much larger amount of control over the Bank's policies.

Another revolutionary change effected during the first year of the Popular Front's



INCIDENT IN DAILY LIFE

In these days of high prices, as in other days, French housewives drive hard bargains. The village butcher is counting out the change in well-worn centimes, and arguing over each one. (From an illustration in "Camera Around the World." McBride.)

tenure of office dealt with the munitions industry. A law was passed giving the government the power to take over companies manufacturing certain types of armaments and strictly to control the others. In carrying out this program a dozen or so factories were taken over by the government and are now being operated by it. The former owners were paid in government bonds for their loss. In other instances, nationalization was not complete, but the government acquired the controlling interest.

Only a few weeks ago, the Chautemps government put into operation a plan which provides for the partial nationalization of the French railroads. The government will be in a position to dictate policies of the railroads by owning 51 per cent of the stock in the National Railway Company, under which all the railroads will be united.

On the political front, also, a number

A fair and just appraisal of the assets and liabilities would require far more space than allowed to this article. We may, however, outline some of the major items.

The Balance Sheet

Its more important accomplishments we have already enumerated. It has improved the lot of the worker through the paid vacation, increased wage, collective bargaining, 40-hour week, and other labor laws. The membership in the large federation of labor unions has increased more than fivefold. On the other hand, it is pointed out that these laws have so increased the cost of production as to offset many of the advantages. Not only have prices risen as a result, but many small producers have either been ruined or else forced to employ apprentices in order to avoid the higher wage costs. Nor does it appear that there has been a considerable amount of reemployment, in spite of the



INCIDENT IN NATIONAL LIFE

The French army holds maneuvers and anxiously watches its frontiers as wars and rumors of wars grow apace throughout the world.

of reforms were inaugurated. First of all, the so-called fascist leagues which had been the source of so many disturbances during the last few years were dissolved by political decree. While some of them have not disappeared entirely, having reorganized themselves as political parties, their threat to political stability has greatly lessened, and they can hardly be taken too seriously at the present time.

This program, taken together, has sometimes been referred to as France's "New Deal." What has it accomplished during the time it has been in control of France?

shorter workweek. Taxes have been increased to meet the higher costs which have resulted from the program of social legislation, and this has not only threatened business concerns but has increased the cost of living of the masses.

Many of the more radical members of the Popular Front have accused it of "selling out" to the vested interests. There is no doubt that the Chautemps government is more conservative than that of Blum, and even Blum called a temporary halt to the Popular Front reforms in order to allow business to get its bearings. Chau-

temps promised that the reforms already undertaken would be maintained, but that no new ones would be attempted for the time being. The government has frequently wobbled between a policy of threatening the business interests and one of seeking to placate them.

Financial Difficulties

The greatest indictment of the Popular Front government is that it has not solved France's financial problems; worse still, that it has aggravated them. Financial difficulties have been a nightmare to French governments for a number of years, and no premier or government has been able successfully to settle them. Government debts have piled up, and the stability of the currency has frequently been endangered.

Under the Popular Front, financial conditions have grown considerably worse. The government found it impossible to keep the franc from slipping, and during the last several weeks it has gone down until last week it reached the lowest point in more than a decade. French investors have become wary, and many of them have been converting their francs into foreign currencies and investing them abroad. Billions of francs have left the country in this great "flight of capital." On the government's ability to restore confidence and reverse the trend of recent weeks may well depend the future of the Popular Front and the stability of French finances.

At the moment, then, France looks to a precarious future. More progress in social reform has been made than at any time in her eventful history. Nevertheless, the whole program may founder on the rocks of bankruptcy and national inflation. Many of the more radical members of the Popular Front are growing restive at what they consider the conservative swing of the government. They are opposed to the compromises that have been made with the business interests, resenting the delays in carrying out the whole program. Should further concessions be granted, there would probably be a breaking away by some of the more extreme groups.

Pressure Brought to Bear

At the same time the Chautemps government is aware of the present financial dangers. Strong pressure is being brought to bear upon it to reduce the stringency of certain of the reform laws. Particularly obnoxious to many businessmen is the 40-hour week, which has placed such a burden upon them, and there is some indication that the government will yield. However, modification of the social reform program would bring stout opposition from the workers and their political representatives.

To make matters worse, much of the government's attention must be devoted to the highly inflammable international situation. The civil war in Spain is so charged with dynamite as to make any repercussions possible. Whatever happens, France would become deeply involved.

Thus the Popular Front movement in France stands confusedly in a quandary. Shall it stand still and try to muddle through? Or shall it seek to continue with its program of social reform? Or, as a third course, shall it yield to the demands of the conservatives, scrap part of its program, and seek to restore financial stability? These are but a few of the questions which must be answered in the near future.

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AROUND THE WORLD



DICTATORS SELDOM SMILE

But Mussolini and Hitler seemed to find cause for gratification on the occasion of their recent meeting in Berlin.

determined upon a few days after a British district commissioner had been murdered in Galilee.

Although extreme tension prevails in the Arab community in Palestine, no incidents have occurred which would presage further trouble. Nonetheless, hopes of bringing the conflicting interests of Jew and Arab to a common meeting ground must certainly ebb, and the partition plan for establishing two separate states may, for the moment at least, be abandoned.

* * *

Panama: An interesting commentary on the small republic of Panama is given by Wilber Burton in the *Baltimore Sun*. Panama, the writer finds, is "in most ways farther advanced and better off than any of the other Central American republics." Colon and Panama, the two principal cities, have been turned from jungle swamps into healthy, well-tended communities, with excellent schools and a rather thriving trade. Mr. Burton points to Panama, with its 500,000 inhabitants, as an example of enlightened imperialism. Even if there has been some trampling on petty nationalistic rights, he notes, the mass of people have benefited directly and indirectly from the American construction of the canal. Exploitation of natives by the United States has never occurred. On the contrary, when the people have been employed by the Panama Canal, they have received higher wages and enjoyed better working conditions than they could get elsewhere.

The author, among other comments, emphasizes dominant United States influences among this people, from hot dog stands to cabarets. English he finds widely spoken. The citizens of this republic, he concludes, are generally doing the best they can to be good Panama-Americans.

* * *

Palestine: In a determined effort to bring an end to the disorders which have crippled Palestine for more than a year, the British government has arrested four prominent Arab leaders and deported them to an island in the Indian Ocean. Among the four was Hussein Khalidi, the mayor of Jerusalem. The government was outwitted, however, by the most prominent Arab leader, the Mufti of Jerusalem, who took refuge in the Mosque of Omar, a sacred Moslem shrine which the authorities were hesitant to violate. This move was

In presenting the measure to the legislators, President Vargas stated that the uprising, discovered by government agents, called for the assassination of high officials, widespread arson, and the destruction of

military barracks. The plotters, according to the official version, had intended to invade arsenals and provide the populace with arms.

Since November 1935, when a rebellion, likewise allegedly Communist, was quickly crushed and thousands of persons were imprisoned as suspects, Brazil has passed through a rather checkered period. Though martial law was in force until June, conditions, rather than improving, have grown increasingly turbulent. During both July and August, political riots caused a number of deaths.

Prominent in these disorders has been the Acao Integralista Brasileira, a political party of fascist complexion, whose 1,000,000 members have taken it upon themselves to crusade against liberal and radical agitation. This party's leader, Plinio Salgado, is running for president in the forth-

BETWEEN THE BEAR AND THE DRAGON
SHOEMAKER IN MANCHESTER UNION

coming elections on January 3, with the tacit support of Vargas. Liberal opinion in Brazil contends that this election is more than remotely responsible for the imposition of martial law. The argument is advanced that by decreeing a state of war, President Vargas hopes to crush liberal opposition and thus secure the office for the fascist political leader.

SUPREME COURT MEETS

(Concluded from page 8)

which the Supreme Court in the past has held it does not have. Others would use the President's plan of court reform so as to insure Supreme Court approval; while still others believe that the Court, as it is now constituted, will uphold most of the legislative acts designed to carry out the objectives.

The other philosophy involves deep-seated opposition to the very objectives represented by the New Deal. A loose interpretation of the Constitution will destroy the very foundations of our government and economic order. Once the bars are let down and the government is allowed to tread upon new, though not specifically forbidden, territory, the very protection offered by the Constitution will vanish. Property rights will become meaningless and personal liberty will be a mockery. The Constitution, so it is argued, was drawn so as to offer a bulwark against the encroachments of a tyrannical government, and the Supreme Court must stand as the great protector of that bulwark.

Thus the issue is fairly clearly drawn. What will be its significance in the light of historical perspective will depend upon the outcome of the present struggle. On both sides there is much loose and irresponsible talk and clever and insidious propaganda. But in the background stand the millions of citizens who are honestly attempting to comprehend the importance and magnitude of the issue.

DENMARK BUILDS THE LONGEST BRIDGE IN EUROPE
A British engineering concern recently completed this 10,432 foot span for the Danish State Railways. The new bridge crosses the "Great Stream" and connects the islands of Zealand and Falster.



PRESIDENT ROOSEVELT VIEWS BONNEVILLE DAM
While on his trip to the Northwest, President Roosevelt stopped at Bonneville Dam, Oregon, where he pressed a button and placed in operation the New Deal's reclamation and power program for the Pacific Northwest.

WIDE WORLD

Justice Black's Defense

The clamoring winds of disapproval, stirred by revelations that Justice Hugo L. Black was at one time a member of the Ku Klux Klan, have not been dispelled by his dramatic and unprecedented radio address to the nation. Seated before a tableful of microphones in the home of a friend in Washington, three days before he donned the judicial robes of his new office, Justice Black frankly admitted that he had in fact joined the Klan about 15 years ago, but stated that he had resigned shortly afterward and had never since had anything to do with the organization. He claimed that the card of life membership afterward tendered him had been unsolicited and was never regarded by him as constituting membership in the Klan. He denounced all the things that the Klan stands for and cited his record as senator to show his devotion to the cause of religious and civil liberty.

However, the tide of criticism continued during the several days following his speech. The press almost unanimously condemned him for having been evasive in not saying why he ever joined the Klan in the first place, and for not having revealed his past affiliations with that body before accepting appointment to the Supreme Court.

On the other hand, men prominent in the nation and in the Court fight reacted favorably to the Justice's defense. Senators Wheeler, O'Mahoney, and Borah, all of whom bitterly



THE NATION QUESTIONS JUSTICE BLACK
Through the mouths of reporters, the American people press Hugo Black to reply to the charges of Ku Klux Klan membership. The justice's radio speech failed to still the controversy which has arisen over his appointment.

opposed the President's Court reorganization plan, expressed satisfaction with the radio address. Others, likewise, have come to his support, declaring that the campaign against Justice Black is calculated to embarrass the President and, if possible, to force a liberal justice off the Court.

The controversy is expected to die of lack of nourishment now that Justice Black has taken his place on the Supreme Court, and has spoken his final word on the charges

made against him. The President has been keeping silent, and the Court itself has sidestepped a petition filed on technical grounds to have Justice Black show cause why he should not be declared ineligible to remain on the supreme bench.

The President Returns

President Roosevelt returned to Washington last week well satisfied that the great majority of people in the northwestern states are still enthusiastic New Deal supporters. And, although it is difficult to gauge public opinion on such trips because crowds will always turn out to see and applaud a president, newspapermen who accompanied Mr. Roosevelt are in agreement that he appears to have lost little strength in the Northwest.

It is reported that the Supreme Court issue is not significantly regarded in that region; that the people are more interested in the public works, power, and spending policies of the federal government, from which they have benefited considerably. Yet, there was no great dissatisfaction when the President declared that the end of large spending was in sight and that the national budget would soon be balanced. The announcement was well timed, for businessmen in the Northwest had begun to experience feelings of uneasiness over the government's financial future.

The President's trip is considered to have been a shrewd political move. It came at a time when, owing to reverses in Congress and the Black episode, he badly needed something to divert the nation's attention and to reconstruct his prestige. His swing about the country contributed to both of these ends.

One of the outstanding presidential addresses during the trip was made at Bonneville, Oregon, where Mr. Roosevelt formally placed Bonneville Dam in operation. He emphasized the value of such dams as Bonneville, Grand Coulee, and Fort Peck, and made it clear that under his administration the government will not relax its policy of promoting wider and cheaper distribution of electric power.

The Lawyers Reply

The nation's lawyers had their inning in the contest with President Roosevelt recently, when the American Bar Association met in Kansas City for its annual convention. The President struck out at the lawyers in his recent Constitution Day speech, saying that the Constitution was a layman's document which the lawyers had tried to shrivel into a lawyer's contract by narrow, legalistic interpretation. The lawyers in turn expressed the belief that the President is trying to centralize control of the government in the executive department, to the expense of the legislative and judicial branches. In answering the President's statements, they point to the part which lawyers have taken in forming and building the present United States, and the prominence of members of the profession in public affairs.

The delegates went on record in opposition to the President's plan to change the Supreme Court, and appointed a committee to fight such changes in the future. They debated a

The Week in the

What the American People

resolution to investigate Justice Black's fitness to sit on the Supreme Court, but finally passed a resolution which called for a full and public hearing on any future nominations for judicial positions.

A. F. of L. Meets

The American Federation of Labor met in Denver for its annual convention last week, with war on the C. I. O. as its principal objective. Two of the Federation's important member unions, the metal trades and the building trades, met the week before. Their meetings seemed to forecast the attitude of the entire A. F. of L. toward its rival organization. President William Green sounded the keynote when he addressed the metal trades union. He made it plain that the A. F. of L. did not want as members the unions which sympathized with the C. I. O. He advised them to "get out and stay out" of the Federation. He denounced John L. Lewis as a would-be dictator.

It was made clear that the rivalry between the two groups would probably become more bitter in the future. The A. F. of L. has already made plans to carry the fight into its rival's territory by organizing the Progressive Mine Workers to combat the C. I. O. miners' union, the United Mine Workers. Since the importance of the two organizations depends largely on the number of members each controls, the drive for membership is the most important phase of their fight. Both the A. F. of L. and the C. I. O. claim to have approximately three and a half million members now.

Transient Farm Hands

Among the many problems which agriculture is facing is that of the wandering farm hand. The Department of Labor estimates that there are 300,000 of these laborers who

roam from one section to another, wherever they can get temporary employment. They harvest wheat, pick berries, pull beets, or lettuce, following the harvest seasons from state to state. Their life is not an attractive one, according to the Department's studies. The average yearly wage is not enough to give them a decent standard of living. They must live in shacks and tents, with never a permanent home. Whenever they are out of work they find it difficult to secure relief, because they are not regarded as permanent members of any community. Their children have practically no educational opportunities.

The number of transients increased a great deal during the depression, but it is about the same now as it was between 1920 and 1929. The recent studies show that many more of them are native Americans than formerly, when foreigners made up the greatest percentage. More of them have families, too, although the majority of the farm hands are single men.

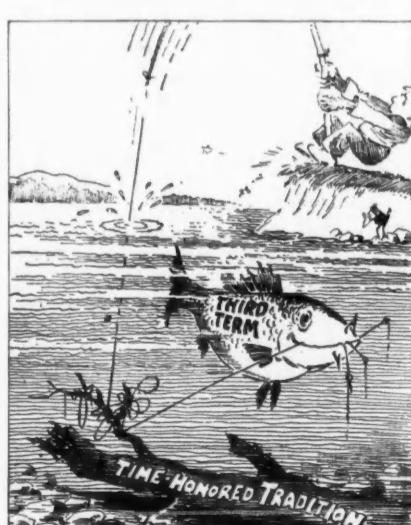
These transient farm hands are really needed in our present agricultural system. California at certain seasons must have 150,000 farm hands, yet at other seasons it cannot support more than 100,000. This is true in many sections, which require man-power during harvest time but cannot afford to pay it the year round. A committee appointed by the President to study farm problems not long ago reported that some action should be taken to provide better living and working conditions for these wandering laborers.

Uniting Against Crime

The criminal who once took advantage of state boundaries to gain freedom from pursuit and punishment may soon find that avenue of escape closed to him. Recently the Interstate Commission on Crime met in Kansas City, and 25 of the 33 states represented entered into an agreement concerning paroled prisoners. It used to be that a paroled prisoner had only to step into the adjoining state to gain almost complete freedom from any restrictions. Under the new agreement, he will be supervised just as if he were in his home state. To make the system completely effective, all 48 of the states would have to be included, of course, but the increasing amount of cooperation among the states indicates that the plan may soon be nationwide.

Harlan County Again

Harlan County, Kentucky, has come to be an outstanding example of the struggle between employers and employees over the latter's right to organize in an effort to obtain higher wages and better working conditions. The county came back into the headlines re-



"FLYING FORTS" OF THE AIR FORCE
Three of the newest and most powerful weapons of the Air Force, recent American-made

The United States

Doing, Saying, and Thinking

cently when 22 coal-mining companies, 24 company executives, and 23 deputy sheriffs of Harlan County were indicted by a federal grand jury. They will go on trial late in November, charged with intimidating the miners in order to discourage unions. It is charged that the companies hired thugs and gangsters to beat and kill miners who were active in unions, that the sheriff and his deputies im-

sell under one roof practically everything the housewife needs. Some markets cover an entire city block, not including parking space. The super-market is costly and it depends on its huge volume of sales to make a profit. It is practical only in large cities, because it requires a great many customers in order to make it pay.

Steak and Pork Chops

Raising livestock to supply the nation with fresh meat is a big business in the United States. Almost two-thirds of the farm land is devoted partly or wholly to raising cattle, sheep, and hogs, according to G. M. Kilbourn in the October issue of *Current History*. Most of the livestock is raised in the West. Four-fifths of the sheep, three-fourths of the cattle, and one-half of the hogs are shipped across the Mississippi to the more populous states on the eastern side. There are 69 important stockyards in the country, and 600 meat-packing companies which operate 1,200 packing plants.

In the Cause of Safety

To spread new ideas and new methods of educating the public in the prevention of accidents, the 26th National Safety Congress and Exposition is meeting today in Kansas City for a five-day session. Approximately 10,000 delegates and visitors are expected to register for the congress, which is being sponsored by a number of organizations interested in promoting safety education. The principal emphasis will be placed on a study of street and highway accidents, since these accidents took a toll of 37,800 lives last year—the highest total in the nation's history. The congress will also study fire prevention, safety in the home, industrial accidents, first-aid after accidents, and health service in industry.



MEAT PRICES ARE HIGH AND GOING HIGHER
HERBLOK IN SANTA ANA DAILY REGISTER



SWING MUSIC
MEMPHIS COMMERCIAL APPEAL



FROM AN ILLUSTRATION IN "FOOTNOTES TO THE FILM," EDITED BY CHARLES DAVY

NEW Books

HENDRIK WILLEM VAN LOON is a large man—he weighs nearly 300 pounds. But contrary to the popular notion that a fat man is slow and easy going, Mr. Van Loon has tremendous energy for undertaking big tasks. Since 1913, he has published 23 books, most of them long and crammed with information. He likes to take a difficult subject, for instance, one which requires a great deal of research, and turn it into a book that will be interesting to everyone. And he makes his books even more attractive by illustrating them himself with colorful drawings and sketches.

"The Arts" (New York: Simon and Schuster, \$3.95) is no exception to his rule. Mr. Van Loon has chosen for his vast subject the story of the arts — painting, architecture, music, and sculpture, as well as the so-called minor arts—from the days of the caveman until the present time. It took him 30 years to learn enough to write the story and 10 years to write it. He makes clear that he is not writing it for the professional artist or "for the dear ladies who love art for the sake of its moral and uplifting influence," but for the average person who wants to know more about the development of the world's great art.

Therefore, "The Arts" is not a dull book which only a few would care to read. Instead, it is an informative history, spiced with little anecdotes and humorous tales, which Hendrik Van Loon tells informally. He has illustrated the book with 180 drawings, each of them as informal and entertaining as the story itself.

THE person who tries to attend most of the better movies will find it worth while to read "Footnotes to the Film," by Charles Davy (New York: Oxford University Press, \$4.50). Mr. Davy is a noted English movie critic and literary editor who has collected in this book 18 articles by authorities with practical experience in making, showing, and seeing films. These experts discuss what goes on behind the scenes in movie production—the work of the director, the cameraman, and the actors, and the parts played by settings, costumes, backgrounds, music, and scenarios. To attempt a forecast, several contributors discuss the future of the movie industry, both in Europe and in America.

Each article goes beyond the elementary facts about movie production which have been repeated time after time in the popular cinema magazines, as well as by authors of hastily written books. The writers in "Footnotes to the Film" give fine points to look for in a movie—the contribution that music makes, artistic effects in photography, and details of good acting. All, however, is told in a style that explains for the reader, rather than confuses him. Scattered throughout the book are a number of fine illustrations from well-known movie productions.

CARL CROW is an American whose newspaper work as a United Press correspondent took him to China more than 25 years

ago. He soon severed his connections with journalism and established an advertising agency in Shanghai. In fact, he is sometimes given credit for having introduced the Chinese to western advertising methods. For a quarter of a century he has been learning the ways of the Chinese—working with them, selling them goods, and helping foreign merchants to advertise their products to over 400 million Orientals.

From this background he wrote "400 Million Customers" (New York: Harpers, \$3). It is a different book from what one would expect from China these days, especially from Shanghai, where the soldiers are fighting against the invading Japanese who are bombing the Chinese city. Carl Crow tells no story of fighting and hate, but an amusing tale of the people in their everyday life. The book is full of humor and a few touches of pathos, an informative account that is as entertaining as a novel.

ABOUT the time of George VI's coronation, there were stories that the Irishmen in Dublin staged noisy demonstrations against English rule over Emerald Isle. Whatever the truth of these reports, it is a fact that the sons of Erin have long fought against being governed by the English parliament, and even though they have made great strides toward independence, they continue to declare themselves against any show of submission to England.

"The Face of Ireland," by Michael Floyd



THE VILLAGE BY THE SEA
From a painting by Paul Henry, reproduced in "The Face of Ireland"

(New York: Charles Scribner's Sons, \$3), is not a political discussion to explain this Irish love of freedom, but a travel story which portrays the Ireland that has developed these hardy, fearless, independent men. The author says, "I have tried to describe what Ireland really looks like, at least to my eyes." And his eyes have seen Ireland very thoroughly, because his account misses nothing in the beautiful countryside or the cities and villages. Over 130 photographs illustrate his work.

—J. H. A.

U. S. Public Health Service Wages an Intensive War Against Disease

THE United States Public Health Service is almost as old as the nation itself. In 1798 Congress created the Marine Hospital Service to care for sick and disabled seamen; hospitals were built at Boston and Norfolk, Virginia. From that meager beginning, the Service has grown into an organization with 7,000 staff members. It spends 20 million dollars a year to protect the health of the United States. The central office is located in a fine new building on Constitution Avenue in Washington, but its agencies reach into every state and a great many cities.

Service Expands

The duties and powers of the Service have grown steadily since the Marine Hospital Service first came into existence. Doctors who treated sailors coming in from foreign ports came to know the strange diseases of the Orient and South Sea Islands, so they were consulted by private physi-



U. S. PUBLIC HEALTH SERVICE
MICROBE HUNTERS AT WORK
A laboratory in the U. S. Public Health Service.

cians whenever epidemics broke out. Later the Service was officially authorized to help local and state officials fight such epidemics. In 1878 the Service was allowed to impose quarantine on immigrants coming into this country, and in 1890 it was given control over interstate travel. In 1902 the name was changed to the Public Health and Marine Hospital Service, and 10 years later the present United States Public Health Service was created, with the marine hospital division but one of its many departments.

There are three principal functions of the Public Health Service. It provides medical care for the legal beneficiaries of the country, it cooperates with the states in health administration, and it carries on continual research. At the head of the organization which is responsible for these important functions is the Surgeon General. At the present Dr. Thomas Parran is Surgeon General; he was appointed by President Roosevelt just last year. Under his direction a staff of doctors, dentists, and public health graduates make up the eight different departments of the Public Health Service. The first of these departments is the National Institute of Health. Its purpose is to investigate infectious and contagious diseases; it is the principal research center for the entire Service. Just a few years ago Congress appropriated \$750,000

to build a new laboratory for the Institute, said to be the finest in the world. To the Institute is given the control of biologic products—serums, antitoxins, vaccines—which amount to a 12-million-dollar-a-year business in the United States.

Through the Marine Hospital and Relief Division, the Service treats 330,000 seamen, coast guard and lighthouse employees every year. It now has 26 hospitals and works in cooperation with 148 hospitals in seaports of the nation. This division of the Service costs about seven million dollars a year. The Division of Foreign and Insular Quarantine prevents contagious and infectious diseases from coming into this country. It has done much to eradicate the epidemics which at one time swept whole sections. What it does for foreign travel, the Division of Domestic Quarantine does for interstate travel. This division works to prevent the spread of disease from one state to another. It controls the drinking water on railroad trains, and looks after the sanitary conditions in national parks.

The Division of Sanitary Reports and Statistics provides the Public Health Service with the facts on which its other work is based. Reports concerning health conditions in foreign countries come in weekly from consular offices of the United States all over the world. City and state officials send in detailed information on conditions within the nation. This information is all compiled and interpreted, then published in the *Public Health Reports* each week.

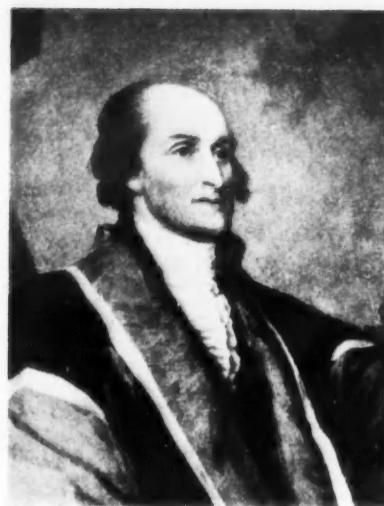
Other Activities

The Division of Venereal Diseases was established by Congress in 1918, but it did not receive much emphasis until this last year. Dr. Parran is especially interested in stamping out social diseases; he has waged a publicity campaign through magazines, newspapers, and radio which is making a great impression. The Division of Mental Hygiene is concerned mainly with persons addicted to drugs. Drug addicts who commit offenses against federal laws must be treated by the Service, and any private citizen can go to the Service for treatment voluntarily. The Division of Personnel and Accounts is the administrative and business office.

Any doctor, dentist, or public health graduate is eligible to take the tests from which the personnel of the Public Health Service is selected. The tests are extremely rigid, including oral, written, and laboratory examinations. Once the applicant passes the tests, he is placed on a list from which the Surgeon General makes recommendations to the President, who appoints with the consent of the Senate. The new appointees are called assistant surgeons, and are paid \$2,799 a year. They go through a period of training which lasts from two to five years, during which they work in several of the divisions to familiarize themselves with the wide range of the Service. Then they may specialize in a field which appeals to them.



THE UNITED STATES PUBLIC HEALTH SERVICE IS HOUSED IN ONE OF THE MAGNIFICENT BUILDINGS ON WASHINGTON'S BEAUTIFUL CONSTITUTION AVENUE



JOHN JAY
First Chief Justice of the United States. (From a copy by Gray of a painting by Gilbert Stuart.)



JOHN MARSHALL
Who made the Supreme Court powerful. (From a painting by John B. Martin.)

Historical Backgrounds

By David S. Muzzey and Paul D. Miller

The Supreme Court in American History

SINCE 1789, when the Supreme Court of the United States and the entire federal judiciary were established by act of Congress, the third branch of our government has come to occupy a far more important position than in the early days of its existence. Not only did the original justices fail to enjoy the dignity which now attaches to that high office, but they were frequently deliberately caused as much embarrassment as possible by the other two branches of the government. Occasionally, as in the days of Thomas Jefferson, sessions were abolished to prevent the Supreme Court from handing down decisions. Supreme Court justices were obliged to "ride on circuit," which meant that when their own tribunal was not in session at Washington, they had to make the arduous journeys to the lower federal courts to handle cases. Thus when Jefferson's Republicans came into office in 1801, they abolished the August session of the Supreme Court and sent the justices roaming about the country "on circuit." In fact, many of the more rabid members of the party would have abolished the Supreme Court altogether if they could have done so, so great was their hatred for the judicial branch of the government.

Early Decisions

Nor did the decisions of the highest court in the land occupy such a place of prominence and importance as at the present time. It is significant that after John Marshall, the first great Chief Justice, handed down his decision in 1803 which firmly established the precedent that the Supreme Court could overrule acts of Congress, not a single act of Congress was declared unconstitutional until the famous Dred Scott decision of 1857. It is true that many state laws were invalidated by the Court, frequently raising bitter opposition among those who were affected. During the first three years of Chief Justice Marshall's term, an average of only eight cases were handled each session, compared with the present average per term of nearly a thousand. This does not mean, however, that every case taken up by the Supreme Court involves an act of Congress.

With few exceptions, the 61 adverse decisions on congressional acts handed down before the New Deal had little effect upon the daily life of the people. Most of them were technical in nature. In some cases later decisions of the Court have reversed the original ruling. Again, constitutional amendments have been adopted, granting Congress the power to pass laws which the Court earlier ruled it did not have the power to do. For example, the Sixteenth Amendment overruled the Court's decision on the income tax law. The power of Congress to deal with child labor is still un-

determined, and unless the Supreme Court is willing to reverse itself, a constitutional amendment, such as the one now before the states, will have to be adopted.

Varied Reactions

Supreme Court decisions have, from the earliest days of our history, been approved by certain sections of the population, certain political parties, and condemned by others. The controversy which has arisen

over the Court's treatment of certain New Deal measures is no exception to this practice. Charles Warren, one of the outstanding authorities on the subject of the Constitution and the Supreme Court, calls attention to the fact that a Court with identical membership has been both praised

and rebuked by the same groups for two decisions. "From 1830 to 1833," he writes, "the Court was condemned by President Jackson because . . . it had surrendered to New York and foreign bankers and land speculators—the 'big business' of those days. . . . Four years later (it) was equally attacked and condemned by the Whigs as the destroyer of property and as the enemy of all investors in corporate stock."

Whenever any considerable groups have been adversely affected by Supreme Court decisions, movements have arisen for action to curb the powers of the Court. The invalidation of legislation favorable to labor has started a hue and cry for reform among the labor groups. Decisions which seem to favor the business interests have started similar agitation among liberals and radicals in general.

The whole issue raised over the Supreme Court by President Roosevelt is a significant development in this long controversy. Those who support the President believe that in a complex economic society the national government must have greater powers than the Supreme Court is willing to grant it in coping with these problems and promoting economic stability. Opponents just as honestly believe that the adoption of such a plan would destroy our fundamental liberties, would destroy the basic principles of the American system of government by removing the checks which the Constitution wisely placed upon both Congress and the executive. The issue may or may not have been definitely settled by the Senate's action in scuttling the program, or it may again be raised as one of the most important ever to be presented to the American people since the adoption of the Constitution.



DAVID S. MUZZEY



TALKING THINGS OVER

Our economic budget as contrasted to the treasury budget. Should we balance the one at the expense of the other? What should be done to preserve our natural and human resources?

THESE three imaginary students have been meeting from time to time on this page to talk things over. The same characters are continued from one issue to another. We believe that readers of THE AMERICAN OBSERVER will find it interesting to follow these discussions and thus to become acquainted with the three characters. Needless to say, the views expressed on this page are not to be taken as the opinions of the editors of THE AMERICAN OBSERVER.

Mary: We have agreed. I believe, that at each of our meetings one of us should tell of some book or article he has read. I think that is a good plan. For one thing, it will keep us on the lookout to find interesting and important things to read. In the second place, it will make certain that we have something worth while to talk about. It is so easy to let conversation go along on light or trivial subjects. That is all right at times, but now and then it is a good thing to engage in serious discussion on some important or really interesting subject. But what shall we talk about this week? I must confess that I haven't read anything worth bringing up.

Charles: Well, I have. I am much impressed by an article in the October *Harper's* called "Balance What Budget?" and the author is David Cushman Coyle.

John: Who is David Cushman Coyle? I've never heard of him.

Charles: That's a little strange. He has written at least two books on our national economic problems, "Brass Tacks" and "Uncommon Sense." They are small books, very readable and interesting, and also inexpensive. They are published by the National Home Library Foundation of Washington, D. C., sell for only 25 cents each, and have been very widely read. Mr. Coyle has also written many magazine articles. His reputation does not rest solely on his writing, however. He is an engineer. He has designed many buildings in New York, and is now acting as consulting engineer for the National Resources Board. He is a careful thinker and his reasoning power is respected even by those who do not agree with him. His wife is also something of an economist. She has been personnel director in a large factory and is well acquainted with industrial problems. The Coyles live in Washington and are well known in governmental circles.

Mary: Well, what does he say about the budget?

Charles: He says we do a lot of talking about balancing the treasury budget—about keeping it in good shape by spending no more than is taken in—but that we don't give enough attention to the national economic budget. When he speaks of the economic budget, he is thinking of the nation's natural and human resources. If, for example, the soil of the nation is wearing away by erosion, if the oil, coal, copper, forests, and other limited and irreplaceable natural resources are being wasted until they approach exhaustion, and if the people who live in the nation are becoming weaker physically or mentally or spiritually; if, in other words, there is human erosion and erosion of materials as well as soil erosion—if these things are going on, the nation is becoming poorer. The government may be spending no more than it is taking in. The treasury budget may be balanced. But the national economic budget is not balanced unless the quality of the population is being kept up and unless the soil and natural resources are being saved. The national budget is balanced only when the real wealth of the nation is being saved and kept as great as ever.

John: But what are the facts? Is our national economic budget unbalanced? Are we becoming poor in land and resources and in the quality of the population?

Charles: Mr. Coyle says that we are. Everyone now understands the problem of

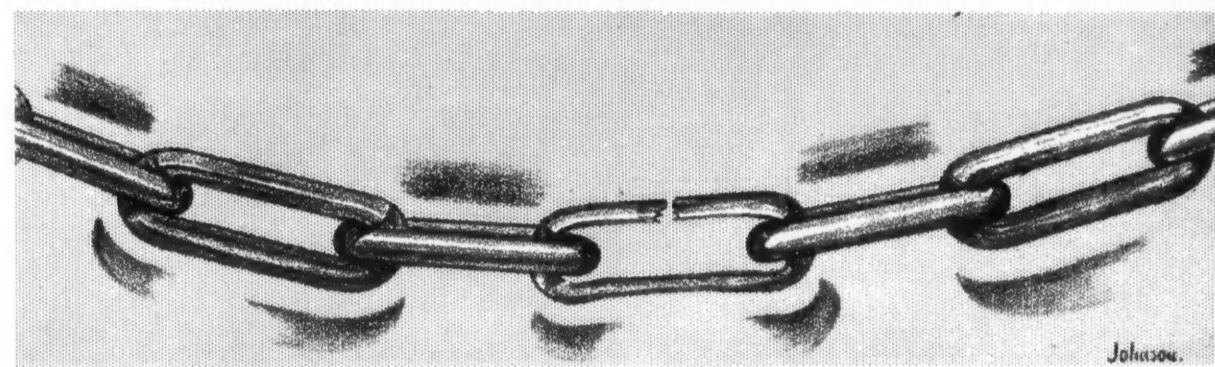
mand will increase for small articles, pulp, chemicals, and other things made from wood, so that we will probably need all the forest materials we can possibly obtain. After making allowance for the substitutes which are being found for many of our resources, Mr. Coyle comes to this conclusion:

Altogether, there is no emergency in the sense that would require immediate public intervention on the grand scale. But neither is our position sound. For the wastes go on, the day of diminishing returns is approaching, and looming in the background is the great unsatisfied mass of Americans who will not forever be denied the comforts of life. Sooner or later the question will stare us in the face—When are we going to look to our economic budget? When shall we make sure

Charles: He thinks it can be done. We should first have some competent body make an investigation and find out the facts as to what our resources are and as to what is happening to them. Then we must adopt conservation measures to save our land, minerals, and forests. We must put our unemployed to work, even if it costs a great deal. We must avoid wastes, produce all we can, and then see to it that poverty is abolished or at least lessened.

John: But those things will cost a great deal. Would Mr. Coyle have the government go constantly into debt?

Charles: No. The treasury budget as well as the national budget should be balanced, but it should be balanced by collecting more taxes.



IS THERE A WEAK LINK IN OUR NATIONAL CHAIN? READ THIS PAGE FOR A DISCUSSION OF THIS QUESTION

soil erosion, he says. The dust-blown plains of the West are losing their fertility. Lands elsewhere are washing away. And the forests are being used up. "We are still cutting saw timber five times as fast as we grow it," says Mr. Coyle, "and even cordwood twice as fast as it grows." We still have most minerals in abundance because, as the thickest veins and richest ores are used up, we put into operation new machines and new chemical processes so that we can extract the poorer or less accessible minerals and metals more easily than we formerly secured the better grades, so most people are not aware that our supplies are approaching exhaustion. That process of "keeping ahead of depletion" cannot go on forever, however. "Technology in mining and processes races with depletion," we are told in the article. "So far, technology is ahead, but in the end the tortoise depletion must win, because it never stops; and the better the technology, the faster marches the tortoise."

Mary: But isn't it possible that substitutes will be found for the natural resources which are being used up?

Charles: Yes, Mr. Coyle takes account of that fact. Let me read something that he says: "Here and there you will find an expert who is more worried about a glut of lumber than about a scarcity. What with steel houses and concrete bridges and all the new competing metals and plastics, lumber may become a drug on the market." He goes on to say, however, that the de-

that our irreplaceable minerals are not to be wantonly dissipated faster than science can find abundant and accessible substitutes?

John: You spoke a while ago about "human erosion." What does Mr. Coyle mean by that?

Charles: That is rather a long story. We may begin with the unemployed. With the increasing use of machinery there is a growing demand for skilled labor and a decreasing demand for the unskilled. Several million workers are, therefore, in idleness and will probably continue to be. When they are idle for a long time they not only suffer the privations of poverty, but they are likely to decline in moral fiber. Crime grows out of such a situation. These people, now going downward, could be saved if work were provided for them. But it costs money for the government to provide work. It is cheaper to hand out relief. So the WPA and Resettlement Administration work is to be curtailed instead of increased.

But unemployment isn't the only thing that is wrong. The birth rate is higher among families of low mentality than among families of a higher intellectual level. As a result, it seems that the average of mental competence is declining. City life places people under such a strain that they seem to be growing less able to adjust themselves to the problems which must be met. "This," says Mr. Coyle, "is human erosion in its most fundamental sense." Even in rural districts there seems to be a decline. The people may be strong enough by nature, but in many sections, as among the sharecroppers, poverty is impairing health, preventing education of the young, and rendering the people unfit for economic life or for the responsibilities of democratic citizenship. Let me read another very significant comment made by the author of the article:

You cannot expect reasonableness in a person if he has a history of poor health, malnutrition, physical inferiority, social humiliation, and the kind of economic insecurity in which the individual is helpless in the clutch of events. With negligible exceptions, a mass of people subjected to these circumstances over a long period will be tinder for the spark of a Hitler who promises to free them from inferiority and humiliation.

Mary: It is rather a gloomy picture you have been drawing. It surely is serious if we are allowing our land, our minerals, our forests, and our population to decline. If such tendencies continue, we cannot make progress as a nation indefinitely. We can go ahead for a while with our material achievements, but all the time our foundations will be crumbling. What does Mr. Coyle think we should do about it? How can we preserve our resources and thus balance the national budget?

John: I'm not sure that that can be done or that it should be tried. If taxes are too heavy, business may be hurt so badly that we will slide back into depression. Then the national economic budget will fare worse than ever. But, however that may be, you have given us something to think about, Charles.

Mary: Yes, you have set a high standard for our discussions. I must try to find something as good for us to talk about at our next meeting, but it won't be an easy thing to do.

Your Vocabulary

Do you know the meaning of the italicized words in the following sentences? Jim Farley is an *astute* politician. The detective was *infallible* in his deductions. The Chinese soldiers have an *indomitable* spirit. The losers were won over by the *conciliation*. The gangsters were *fomenters* of trouble in Chicago. His was a *pathological* case. The clouds were a *portentous* warning of storm. The *onus* of responsibility rested on the principal's shoulders. Cancer is a *malignant* disease.

PRONUNCIATIONS: Camille Chautemps (ka-meel' sho-tom)—first o as in go, second o as in hot), Leon Blum (lay-on' bloom')—o as in go), Tehchow (teh'chow'), Shantung (shahn-doong'), Getulio Vargas (hay-too-lyo var'gas), Plinio Salgada (pee'nyo sal-gah'do), Hussein Khalidi (hoo-sin' hah-lee-dee)—i as in ice).

SOMETHING TO THINK ABOUT

- What is the essential difference in philosophy between the "strict constructionists" of the Constitution and the "loose constructionists"?
- What is the principal argument of those who bitterly oppose President Roosevelt's Supreme Court reform plan?
- Why is the present session of the United States Supreme Court so important?
- What have been the main accomplishments of the Popular Front government of France? What have been its greatest liabilities?
- How do you account for the decline in the value of the French franc, and what effect might it have upon the policies of the Chautemps government?
- What are the main criticisms of the French government made by the more extreme members of the Popular Front?
- What does David Cushman Coyle mean by the American economic budget, and what does he think should be done to balance it?
- Does the United States Public Health Service render any service in your community? If so, what?
- Do you see any change in policy in connection with Japan's conduct of the war in China brought about as a result of the protests of foreign nations?



HARRIS AND EWING
DAVID CUSHMAN COYLE

The Supreme Court Meets Once More

(Continued from page 1)

through the nine until the Chief Justice casts the final vote. After the vote is taken, one justice is assigned the task of writing the Court's opinion. In the case of a division, one of the majority is assigned the task. Justices who do not agree may hand down a minority opinion, either separately or jointly. The Court hands down its decisions on Monday.

So closely are the Court's decisions guarded that no one except the justices themselves knows in advance what the rulings will be. Advance information would be worth large sums of money to businessmen and others, and for that reason the greatest care is exercised to prevent leaks. So far as is known, there has never been a leak. The opinions are printed and the justices have a last-minute opportunity to make changes of one kind or another.

It would be a mistake to assume that all the decisions of the Supreme Court involve the constitutionality of acts of Congress. As a matter of fact, nearly a thousand cases are acted upon during each session, and only a few of them deal in any way with national legislation, or even with cases involving the various state governments. But it is these cases which draw nationwide attention and which make the Court a peculiarly important feature of the American system of government. And, it must be added, it is this practice of passing judgment upon the constitutionality of acts of Congress that has raised the present issue which has torn the nation so deeply.

How Cases Reach Court

Whenever Congress enacts a law, the Supreme Court does not automatically decide whether or not it is constitutional. It may never do so. Frequently, a law will remain on the statute books for several years and its provisions rigidly enforced before the Court declares it to be unconstitutional. Only when cases are brought before it, usually through appeal from a lower federal court, will the highest tribunal in the land take action. Generally, the procedure is for an individual or corporation to test a law by refusing to obey its provisions and being drawn into a federal court. Eventually, the case may reach the Supreme Court.

To a large extent, the present controversy over the relationship of the judicial to the legislative and executive branches of the government is essentially the same as that which has raged throughout our history. It results largely from the very nature of the Constitution, which permits of divergent interpretations. When the Founding Fathers completed their work at Philadelphia, they produced a document which was in its essence a blueprint for the American form of government. Certain of the powers of Congress were clearly set forth, as were certain of the prohibitions. "Congress shall have power" to do so and so, with a score of powers listed separately. Similarly, a number of powers are specifically forbidden to Congress. The same is true of the various states. There can be no mistake in interpreting many of these sections of the Constitution. But as the years have passed, differences of opinion have arisen with respect to other provisions, not set forth in unmistakable terms.

Two Schools of Thought

There have always been two schools of opinion as to interpretation of the Constitution. On the one hand are the "strict con-



HARRIS AND EWING
(Left from bottom): Justices Black, Roberts, Stone and Sutherland. (Below) Chief Justice Hughes. (Right from bottom): Justices McReynolds, Cardozo, Butler, and Brandeis. (Above) The Supreme Court chamber.

structionists," those who feel that the Fathers gave all the explicit powers which Congress should enjoy and that the very letter of the Constitution should be obeyed; in other words, that Congress and the President had *only* the powers specifically conferred upon them. The other group is composed of the so-called "loose constructionists," whose view of the Constitution is that it was intended as an instrument to outline general principles. These people look upon the Constitution as an ever-expanding document, flexible enough to meet changed social and economic conditions which the Fathers could not foresee. Unless there is a specific prohibition, it is contended, the national and state governments have broad powers to deal with the great problems of the day.

At various times in our history, the Supreme Court has been dominated by justices who were strict constructionists in their philosophy, and at others by loose constructionists. At times, those who have applied the strict interpretation have been liberal in their economic views, with the loose interpreters representing the conservative position. Thus John Marshall, one

of the great chief justices, who was a conservative in his economic views, interpreted the Constitution in such a way as to confer broad powers upon the government. At other times, the roles have been reversed. Today, the justices who adhere to a strict interpretation are generally

considered as representative of a conservative position, with the loose constructionists occupying the liberal position. With few exceptions in vital decisions, the Court has been almost evenly divided, with former Justice Van Devanter, and Justices McReynolds, Sutherland, and Butler on the conservative side; Justices Brandeis, Stone, and Cardozo on the liberal; with Chief Justice Hughes and Justice Roberts siding now with the conservatives, again with the liberals. It is assumed that Justice Black will cast his vote with the liberals, as he was one of the more liberal members of the Senate during his presence in that body.

Roosevelt's View

President Roosevelt is perhaps the greatest exponent of the loose constructionist position in the country and an examination of his views on the Constitution offers an

excellent statement of this viewpoint. In his message to Congress last year, Mr. Roosevelt declared:

The vital need is not an alteration of our fundamental law, but an increasingly enlightened view with reference to it. Difficulties have grown out of its interpretation; but rightly considered, it can be used as an instrument of progress, and not as a device for prevention of action.

It is worth our while to read again the debates in the constitutional convention of one hundred and fifty years ago. From such reading I obtain the very definite thought that the members of that convention were fully aware that civilization would raise problems for the proposed new federal government, which they themselves could not even surmise.

The President is so firmly convinced of the necessity of liberal interpretations which will concede to the national government power to cope with such broad problems as the regulation of industry and agriculture that he sought to increase its membership so as to insure a majority of justices whose views were in accord with his own. Without such authority on the part of the federal government, it is argued by the President's supporters, we can have neither industrial stability nor social justice in a highly industrialized society like ours.

There are those who would agree with the President that the Constitution was so framed as to confer upon government the power to meet changing economic and social conditions, but who opposed his particular method of insuring liberal interpretations on the part of the Supreme Court. Their principal argument against the court-reform program was that it would destroy the independence of the judiciary; that it would make of the Supreme Court a rubber stamp willing to listen to the dictates of the executive; and that the entire American system of government would thus be destroyed. In its extreme this position was stated by the New York *Herald-Tribune* at the time the President's proposal was made:

Court's Independence

No President of the United States ever before made the least gesture toward attempting to gain such a vast grant of power. Mr. Roosevelt demands it, calmly, artfully. By one legislative act, availing himself of the one loophole in the Constitution—the failure to specify the number of members in the Supreme Court—he would strike at the roots of that equality of the three branches of government upon which the nation is founded, and centralize in himself the control of judicial as well as executive functions. The Constitution which the Supreme Court has guarded, developed, and held true to its great, original design, would lie helpless before him.

The paper shell of American constitutionalism would continue if President Roosevelt secured the passage of the law he now demands. But it would be only a shell. The ruling power would be the will of the President, unrestrained by court or Constitution and subject only to the necessity of securing the consent of a subservient Congress.

Underneath the immediate issue of the court-reform program lies the fundamental clash of different philosophies which will become apparent as the Supreme Court proceeds with its present session. The one side will be represented by those who contend that the nation has reached a point in its development where broader powers must be exercised by the federal government to meet the vast multitude of social and economic problems now existing and likely to arise in the future. Some of these would amend the Constitution so as specifically to confer upon Congress these powers,

(Concluded on page 3, column 4)

Smiles

Bananas are to be planted in Mexico in former oil fields. If it works, it may be possible to shake political speeches from trees.
—San Francisco CHRONICLE

Judge: Why did you knock out four of this man's teeth?

Defendant: That was all he had.

RECORD

Employer: "Yes, I advertised for a good strong boy. Think you can fill the bill?"

Applicant: "Well, I just finished whipping nineteen other applicants outside the door."
—Guelph MERCURY

Mother (to Jimmy, who was walking absentmindedly about the room): What are you looking for?

Jimmy: Nothing.

Mother: You'll find it in the box where the candy was.
—Selected

Newlywed: "Did you make these biscuits with your own little hands?"

Bride: "Yes, yes, darling."

"Well, who helped you lift them out of the oven?"—TID-BITS

Husband: "I wonder why it is we can't save anything."

Wife: "It's the neighbors, dear; they are always doing something we can't afford."
—Selected

A prosperous era is one in which people make the debts they pay off in hard times.
—St. Louis STAR TIMES

Customer (to head waiter): "Here, sir, this clumsy fellow has spilled half of my cup of tea down my back."

Head Waiter (to waiter, sternly): "Bring this gentleman a full cup of tea instantly."
—Selected

A lady had just purchased a postage stamp at a substation: "Must I stick it on myself?" she asked.

"Positively not, madam," replied the postal clerk. "It will accomplish more if you stick it on the envelope."
—Selected

Teacher: "If I subtract 26 from 94, what's the difference?"
Bored Pupil: "That's what I say!"
—Montreal STAR



"YOU'RE LETTING YOUR ZEAL RUN AWAY WITH YOU, ANGELO!"
ANTHONY IN COLLIER'S